REMARKS

Claims 1-23 were pending. Claim 15 was objected to due to an informality and has been amended. Claim 10 has been amended to correct an informality. Accordingly, claims 1-23 remain pending.

In the present Office Action, claims 1-3, 7-8, 10-11, and 15-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by WO 02/39745A1 (hereinafter "Digeo"). Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Digeo in view of US 2002/0016969A1 (hereinafter "Kimble"). Claims 5 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Digeo in view of U.S. 5,592,551 (hereinafter "Lett"). Finally, claims 6, 9 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Digeo. Applicant respectfully traverses the above rejections and requests reconsideration in view of the following discussion.

Applicant notes that the Digeo reference is cited against the present application under 35 U.S.C. § 102(e). However, because the Digeo application is an international application filed under the PCT treaty and did not designate the U.S. as required by §102(e), Digeo is not a proper reference under 35 U.S.C. § 102(e). Nevertheless, Applicant assumes that the examiner could raise the same rejection by citing the published U.S. equivalent application 20020147984. Accordingly, in the interest of time, Applicant will address the issues raised by the examiner with respect to the cited Digeo reference.

In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that each of the claims recite elements which are not taught, suggested, or implied by the cited art.

Generally speaking, Applicant's claimed invention is directed to a system wherein content is broadcast to receivers as multiple modules, a search request is sent from a receiver to the server, the server conveys to the receiver an identification as to which of the broadcast modules correspond to the search request, and the receiver then retrieves selected modules by matching the received identification to selected broadcast modules. As may be seen, the content is not necessarily broadcast in response to receiving the request. Rather, a variety of content is broadcast and a request is used by the server to identify which of the broadcast modules correspond to the request. The receiver may then use the provided identifying information to selectively retrieve module from the broadcast. For example, referring to claim 1, a method is recited which includes:

> "broadcasting a plurality of modules from a server to a client device, at least one of said modules having an associated module number;
>
> sending search criteria from the client device to the server;
>
> receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria;
>
> sending the qualifying module number to the client device;
>
> receiving the qualifying module number at the client device; and
>
> retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module."
>
> (underlining added for emphasis.)

Applicant submits at least the above highlighted features are neither taught nor suggested by Digeo. In contrast to the presently claimed invention, Digeo is generally directed to a system for supporting unprompted requests for content and conveying corresponding content in response to the request. The supplied content may then be cached for later display. For example, note the following teachings of Digeo:

> "However, conventional systems are not able to provide a true synthesis of broadcast and Internet media. In particular, conventional

systems do not provide techniques for unprompted, context-sensitive querying for supplemental content related to a television broadcast.

Conventionally, the Advanced Television Enhancement Forum (ATVEF) standard provides a limited mechanism for obtaining supplemental content by embedding "triggers" in a television broadcast. Triggers allow content developers, broadcasters, or cable operators to insert prompts into the video stream when supplemental content is available to the viewer. . . . Unfortunately, ATVEF requires broadcasters or cable operators to embed specific triggers into the television broadcast. This is undesirable for a number of reasons. First, . . . triggers . . . may actually annoy viewers. Second, many viewers would prefer to obtain additional information . . . at a time of their own choosing, ... Third, . . . triggers consume valuable bandwidth . . .

Accordingly, what is needed is a technique for unprompted, context-sensitive querying for supplemental content during a television broadcast.

What is also needed is a technique for providing supplemental content related to a television broadcast that does not require a broadcaster or cable operator to embed specific triggers into the broadcast medium. What is also needed is a technique for pre-caching supplemental content related to a television broadcast, such that a user may have immediate access to the content in response to a user command." (Digeo, page 2, line 24 – page 3, line 21).

"According to one aspect of the invention, a change in a television program being displayed by an interactive television system is detected. In response, the interactive television system initiates an unprompted, context-sensitive information request." (Digeo, page 4, lines 6-9).

In the above, Digeo describes problems and disadvantages associated with the prior art. Digeo teaches that the described triggers may annoy viewers and do not enable viewers to obtain information at a time of their choosing. In addition, Digeo expresses a concern over bandwidth usage and notes that embedded triggers are undesirable because they consume valuable bandwidth. With respect to the solution to the above problems, Digeo teaches the following:

"FIG. 5 is a schematic block diagram of a system 500 for providing supplemental content 406 related to a television broadcast that resolves

the above-described problems and disadvantages. As described more fully hereafter, the depicted system 500 allows a user to send an unprompted, context-sensitive request for supplemental content 406 related to the television program (or segment thereof) being viewed. . .

In one embodiment, a user presses a "FIND" 240 button or the like on the remote control 106, which results in an appropriate control signal being sent to the STB 102. Upon receiving the control signal, the STB 102 generates an information request 502. Unlike conventional systems, the request 502 is unprompted, e.g., is not made in response to an embedded trigger 402. The information request 502 is preferably transmitted upstream by the STB 102 to a content source 114. . . .

[T]he information request 502 contains contextual information from which the content source 114 may determine the television program (or segment thereof) being viewed. Based upon the contextual information, the content source 114 may search a database or the like and return a set of search results 504. In one embodiment, the set of search results 504 is a list of specific items of supplemental content 406 related to the television program (or segment thereof) being viewed. The list may include one or more links, such as URLs, identifying the stored location of the supplemental content 406. In an alternative embodiment, the search results 504 may actually include the supplemental content 406." (Digeo, page 12, line 27 – page 13, line 29).

"In one configuration, the information request 502 includes an identifier 602 of the user's STB 102. The identifier 602 may be embodied in various forms, such as a media access control (MAC) address, an Internet protocol (IP) address, or another type of standard address known in the art. As described below, the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102." (Digeo, page 14, lines 1-6).

From the above it is clear that Digeo teaches a different system and does not teach broadcasting the recited modules with module numbers, the server receiving a request and identifying qualifying module numbers, sending the identified module numbers to the receiver, and the receiver using the module numbers to selectively retrieve "a first module of said modules" in response to matching a received qualifying module number to the first module. Rather, Digeo teaches broadcasting a program, receiving a request for supplemental content, and conveying the supplemental content which may be related to

the program in response to the request. The content source may use the receiver's identifier to return the supplemental content to the correct STB.

As may be appreciated, Digeo merely teaches a general search mechanism whereby a search request is conveyed to a remote database, and search results may then be returned. In contrast, Applicant's claimed invention pertains to a method and mechanism whereby modules are broadcast with associated module numbers, a user may initiate a search request which is conveyed to a remote location, module numbers which correspond to the search request are returned to the user, and the returned module numbers may then be used to retrieve particular modules by matching the returned module numbers to the particular broadcast modules. Further, it is noted that broadcast of the modules which "match" the search request may in fact precede the search request. In addition, matching modules may have already been downloaded to a user's receiving device when the user initiates a search request which is conveyed to a remote location. In such a case, the matching modules are not conveyed to the user device in response to a search request. Accordingly, Applicant submits there are a number of distinctions between the cited art and the claimed invention, and as each of the above rejections depend upon Digeo, Applicant submits each of the pending claims are patentably distinct from the cited art.

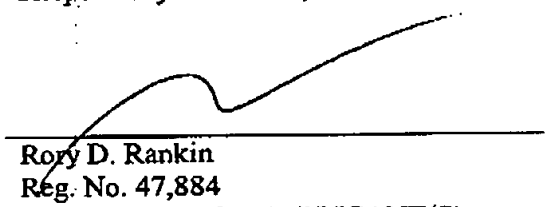
Should the examiner still believe there is reason to prevent the present application from proceeding to allowance, the below signed representative would greatly appreciate a telephone call at (512) 853-8866 in order to facilitate a more rapid resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,



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